

Decision 10-02-010 February 4, 2010

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Pacific Gas and Electric Company for Authority to Increase Revenue Requirements to Recover the Costs to Upgrade its SmartMeter™ Program (U39E).

Application 07-12-009  
(Filed December 12, 2007)

**DECISION AWARDING INTERVENOR COMPENSATION TO THE UTILITY REFORM NETWORK FOR ITS SUBSTANTIAL CONTRIBUTIONS TO DECISION 09-03-026**

<b>Claimant: The Utility Reform Network</b>	<b>For contribution to D.09-03-026</b>
<b>Claimed (\$): \$140,989.21</b>	<b>Awarded (\$): \$125,170.01 (11% reduction)</b>
<b>Assigned Commissioner: Michael R. Peevey</b>	<b>Assigned ALJ: David Fukutome</b>

**PART I: PROCEDURAL ISSUES**

<b>A. Brief Description of Decision:</b>	Decision 09-03-026 authorized Pacific Gas and Electric Company (PG&E) to proceed with its proposed SmartMeter™ Program Upgrade at a cost of \$466,760,000, subject to the conditions specified in the decision, and to increase revenue requirements to recover the related costs.
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**B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:**

	<b>Claimant</b>	<b>CPUC Verified</b>
<b>Timely filing of notice of intent to claim compensation (§ 1804(a)):</b>		
1. Date of Prehearing Conference:	February 8, 2008	<b>Yes</b>
2. Other Specified Date for NOI:	See note below in I.C.	<b>N/A</b>
3. Date NOI Filed:	See note below in I.C.	<b>May 21, 2009</b>
4. Was the notice of intent timely filed?		<b>No – but see CPUC Comments in Section I.C.</b>

<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
5. Based on ALJ ruling issued in proceeding number:	A.07-12-021	<b>Yes</b>
6. Date of ALJ ruling:	April 18, 2008	<b>Yes</b>
7. Based on another CPUC determination (specify):	N/A	
8. Has the claimant demonstrated customer or customer-related status?		<b>Yes</b>
<b>Showing of “significant financial hardship” (§ 1802(g)):</b>		
9. Based on ALJ ruling issued in proceeding number:	A.07-12-021	<b>Yes</b>
10. Date of ALJ ruling:	April 18, 2008	<b>Yes</b>
11. Based on another CPUC determination (specify):	N/A	
12. Has the claimant demonstrated significant financial hardship?		<b>Yes</b>
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision	D.09-03-026	<b>Yes</b>
14. Date of Issuance of Final Decision:	March 13, 2009	<b>Yes</b>
15. File date of compensation request:	May 12, 2009	<b>Yes</b>
16. Was the request for compensation timely?		<b>Yes</b>

**C. Additional Comments on Part I** (use line reference # as appropriate):

<b>Reference #</b>	<b>Claimant</b>	<b>CPUC</b>	<b>Comment</b>
I.B.	TURN		TURN will submit information in support of our eligibility to request compensation in this proceeding in a separate filing.
I.B. 2-3		CPUC	We find that TURN has timely filed its request for compensation and that it meets the customer and significant hardship conditions. Whether TURN’s NOI is timely, however requires further analysis. Section 1804 sets the general requirement that NOIs should be filed and served within 30 days of the prehearing conference. <sup>1</sup> The statute also states “the Commission may determine the procedure to be used in filing” NOI requests where the specific procedural sequence of a proceeding does not neatly fit within the status. The Commission has further interpreted this section in Rule 17.2 of the Commission’s Rules of Practice and Procedure (Rules) which holds that

<sup>1</sup> The first prehearing conference in this proceeding was held on February 8, 2008. In TURN’s Motion for Permission to Late-File Its Notice of Intent to Claim Intervenor Compensation, filed on May 21, 2009, TURN concedes that its NOI was not filed within the required 30 days. TURN states that despite the implementation of a centralized tracking it had put in place to double-check these filings; the system has not been foolproof. Due to TURN’s folly, it is once again placed in the position to seek permission to late-file its NOI in this proceeding.

		<p>customers found eligible for compensation in one phase of a multi-phase proceeding remain eligible for compensation in later phases.</p> <p>The purpose of the NOI, per § 1804, is to apprise other parties of the intervenor’s planned extent of participation, likely costs, and intention to seek reimbursement via the intervenor compensation program. In response to an NOI, the assigned ALJ is required to issue a ruling pointing out any apparent issues that might affect the intervenor’s ultimate claim for compensation, see § 1804(b)(2). The NOI thus allows the parties, the ALJ, and the prospective claimant to be aware of the planned intervenor compensation request and to ensure compliance with program requirements.</p> <p>Here, TURN asks the Commission to find TURN eligible for intervenor compensation in this proceeding based on a continuation of the earlier determinations of eligibility made in related proceedings (in R.02-06-001), the demand response rulemaking, and A.05-06-028, (the initial PG&amp;E and the Advanced Metering Infrastructure application). TURN believes that such an outcome would be consistent with the treatment of a similar situation the Commission addressed in D.05-04-044 (in A.01-02-024, et al., the “UNE Reexamination” docket). Here, PG&amp;E’s AMI upgrade application has its roots not only in the demand response proceeding (R.02-06-001), but also the first PG&amp;E AMI application (A.05-06-028). TURN was found eligible for an award of intervenor compensation in both these proceedings, and believes that the current circumstances surrounding TURN’s eligibility for intervenor compensation in this proceeding, parallel the earlier situation. Based on this comparison, TURN requests that the Commission find them eligible for intervenor compensation.</p> <p>We conclude, consistent with Rule 17.2, that TURN is eligible for intervenor compensation. TURN’s participation in these closely related proceedings achieved the purpose of the NOI because all other parties, and the assigned ALJ, were aware of TURN’s active participation and requests for compensation in other dockets, and thus would have expected the pattern to continue. No party objected to TURN’s request for compensation or motion to late-file its NOI. As such, we find that TURN has satisfied all the procedural requirements necessary to make its request for compensation.</p> <p>We admonish TURN however, to take all necessary steps to avoid this same predicament in the future. Conversely, we may consider the denial of intervenor compensation as we did in D.00-03-044 and D.04-08-009, for an intervenors failure to timely file its NOI as required.</p>
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**PART II: SUBSTANTIAL CONTRIBUTION (completed by claimant)**

**A. In the fields below, describe in a concise manner Claimant’s contribution to the final decision** (see § 1802(i), § 1803(a) & D.98-04-059) (For each contribution, support with specific reference to final or record.)

Contribution	Citation to Decision or Record	Showing Accepted by CPUC
<p>1. (C/B) TURN argued that the Commission should not analyze PG&amp;E’s project on a total cost basis because there was insufficient data in the record to accurately engage in such an analysis. The Commission agreed with TURN and stated that it would not use a total cost analysis as the basis for approving or rejecting the Upgrade.</p>	<p>See TURN Opening Brief, pp. 2-3. D.09-03-026 p. 32. “We agree with DRA and TURN that the record in this proceeding is insufficient for determining the cost effectiveness of PG&amp;E’s SmartMeter program on a total basis, especially when comparing PG&amp;E with SDG&amp;E and SCE.”</p>	<p><b>Yes</b></p>
<p>2. (SC) Han Retrofit - TURN argued that ratepayer should not have to pay for the cost of HAN retrofit because PG&amp;E could avoid the increased costs. TURN also argued that PG&amp;E’s suspension analysis was flawed. TURN’s arguments resulted in a thorough review of the record and a discussion of components and timing of benefits included in a suspension analyses. The Commission evaluated TURN and DRA’s criticisms and found that PG&amp;E adequately explained and defended its analysis.</p>	<p>See TURN Opening Brief, pp. 14-16. D.09-03-026, pp.45-50. “We have evaluated the criticisms made by TURN and DRA with respect to PG&amp;E’s consultant’s suspension analyses along with PG&amp;E’s responses.”</p>	<p><b>We disagree that TURN’s participation made a substantial contribution on this issue. The decision did not adopt TURN’s position or analysis on the issue of the Han Retrofit. We reduce by 25% TURN’s hours related to activities it has categorized as “SC”, for a lack of substantial contribution on this issue.</b></p>
<p>3. (SC) HAN connectivity – TURN argued that HAN bridging technology is not well known at this time and the Commission should therefore not authorize PG&amp;E’s request for HAN connectivity related costs and expose ratepayers to further risk of</p>	<p>See TURN Opening Brief, p. 3-6. See D.09-03-026, p. 64.</p>	<p><b>We disagree that TURN’s participation made a substantial contribution on this issue. D.09-</b></p>

<p>stranded technology and costs. Although the Commission did authorize these costs, the Commission acknowledged that it was hesitant to authorize the funds given that PG&amp;E itself admitted that there is not yet a standard approach to reliably deliver HAN connectivity on a universal basis. The Commission also considered TURN's argument that ratepayers should not be exposed to the risk of stranded technology and costs. As a result, the Commission stated that PG&amp;E has the responsibility to achieve HAN connectivity in the most cost effective manner and that PG&amp;E should understand that the Commission would be extremely reluctant to saddle ratepayers with stranded assets and costs associated with any cost overruns related to HAN connectivity.</p>		<p><b>03-026 at 63-64 states that "With respect to TURN's argument that HAN connectivity costs should be excluded because PG&amp;E will not be recruiting Title 24 PCT customers until 2013, we decline to do so, because HAN connectivity relates to not only PCTs but also to other devices such as in home displays. In PG&amp;E's supplemental testimony, the proposal for HAN connectivity was expanded to all customers, not just to Title 24 PCT customers." Regarding TURN's argument that customers in multi-family dwellings are the least likely customers to be able to take advantage of HAN to alter energy usage and PG&amp;E's response, the determination of who will use the HAN technology, and to what extent they will use it, is fairly subjective at</b></p>
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		<p><b>this point. From a policy perspective, we feel it is important that customers that wish to use the technology are, to the most reasonable extent possible, able to do so.” We reduce by 25% TURN’s hours related to activities it has categorized as “SC”, for a lack of substantial contribution on this issue.</b></p>
<p>4. (SC) HAN standards development – TURN argued that the Commission reject all but \$2 million of PG&amp;E’s \$22.5 million request to develop HAN standards because the job of developing such standards and functionality to enhance the commercial availability of home area networks is the job of private industry, not ratepayers. TURN further argued that since private industry would benefit, it should have the responsibility to develop the technology. The Commission agreed with TURN regarding this issue and rejected all but \$6 million of the requested \$22.5 million related to laboratory testing and product demonstrations.</p>	<p><i>See</i> TURN Opening Brief, pp. 17-18. D.09-03-026, pp. 85-86.</p> <p>“With respect to HAN standards development costs, we are in general agreement with the positions of DRA and TURN. Laboratory testing and product demonstrations should first be the responsibility of those in private industry who will in the end profit from the various HAN related devices.”</p>	<p><b>Yes</b></p>
<p>5. (OB) Remote programmability – TURN argued that the Commission should reject PG&amp;E’s attempt to include remote programmability as a benefit of the SmartMeter upgrade because the benefit could not be justified as an incremental benefit of the SmartMeter Upgrade since the costs could not and were not included in the original AMI application. TURN further argued that neither the old electromechanical meters nor the original DCSI AMI meters incur any costs for</p>	<p><i>See</i> TURN Opening Brief, pp. 20-21. D.09-03-026, p. 99.</p> <p>“We agree with DRA and TURN on this issue and will not reflect remote programmability as a benefit in the Upgrade cost effectiveness analysis. As both parties indicate, the need for reprogramming the advanced meters is caused by the added functionality of the programmable meter itself...To assign this purported benefit as an incremental benefit in the cost effectiveness analysis</p>	<p><b>Yes</b></p>

<p>reprogramming. The Commission agreed with TURN on this issue and refused to include any of PG&amp;E’s purported \$520 million in remote programmability benefits in the cost effectiveness analysis.</p>	<p>of the Upgrade is illogical and inappropriate.”</p>	
<p>6. (DR) Energy Conservation Benefits – TURN argued that evidence shows that in-home display devices (IHD) that provide the functionality which PG&amp;E claims will result in conservation benefits cost far more than PG&amp;E’s \$20 proxy price. TURN presented evidence of IHDs that cost between \$25 and \$140. The lack of reasonably priced devices also caused TURN to question the reasonableness of PG&amp;E’s conservation benefit. The Commission took TURN’s concerns into consideration when it chose DRA’s lower estimate of 21% IHD penetration as opposed to PG&amp;E’s higher estimate of 30% penetration. This reduced the estimated benefits from \$384,067,000 (PVRR) to \$268,874,000.</p>	<p><i>See</i> TURN Opening Brief, pp. 22-23. D.09-03-026, pp. 111-112. “Regarding PG&amp;E’s estimate of 30% IHD penetration as opposed to DRA’s estimate of 21%...Both are educated guesses that are not substantially different. However, we will adopt DRA’s lower value of 21%. We prefer to be conservative with respect to estimating this benefit partly because of the speculative nature of the forecasts and partly due to TURN’s legitimate concerns regarding the cost of the IHD devices.”</p>	<p><b>Yes</b></p>
<p>7. (DR) Peak Time Rebate (PTR) benefits – TURN argued that PG&amp;E overestimated the potential PTR benefits. TURN reduced PG&amp;E’s estimate using SEER ratings to account for the fact that AC loads would decrease over time as more efficient air conditioners are installed. This increase in efficiency would mean that the stock of AC units would result in less demand per unit over time, thus a smaller starting point from which to undertake demand response. TURN argued that PG&amp;E should take into account a 30% increase in AC efficiency in its calculation of expected benefits. TURN also argued that PG&amp;E’s assumption that 45% of customers without central AC would participate in PTR for the next 20 years was unreasonable because non-CAC customers have small usage, financial savings from demand response are small, and non-CAC customers are unlikely to have in-home display devices. TURN estimated that the participation rate would be closer to 26%.</p> <p>The Commission agreed with TURN that demand response related to PTR will likely</p>	<p><i>See</i> TURN Opening Brief, pp. 29-37. <i>See</i> D.09-03-026, pp. 132-134.</p>	<p><b>Yes</b></p>

<p>be less than estimated by PG&amp;E. Although the Commission agreed with PG&amp;E that the climate and other factors particular to California are not the same as that assumed for SEER purposes, the Commission found that it is reasonable to assume that, as manufacturers attempt to make more efficient AC systems to comply with upgraded SEER levels, there will be some effect of demand reductions and energy savings in California. The Commission therefore reduced PG&amp;E’s estimated benefits to account for a 15% increase in AC efficiency. The Commission also understood TURN’s concerns regarding energy savings from non-CAC customers and reduced the participation rate of non-CAC customers from 45% to 35.5%. TURN’s participation therefore resulted in the Commission reducing the estimated PTR savings from 6,397 MW to 5,714 MW. The change resulted in a PVRR benefit of \$262,941,000 as opposed to PG&amp;E’s estimate of \$290,220,000.</p>		
<p>8. (DR) Programmable Communicating Thermostat (PCT) benefits – TURN argued extensively that PG&amp;E had overestimated the demand response from PCTs. TURN pointed to the fact that although PG&amp;E assumed that program participants would save 0.75 kW per hour per event, PG&amp;E’s own data predicted only a 0.48 kW impact. TURN also discussed the problems with ramping strategies that might result in fewer saving per event than PG&amp;E predicted. TURN also argued that marketing surveys showed that PG&amp;E’s 25% participation rate was too high. Additionally, TURN argued that the retail cost of PCTs could pose a barrier to voluntary participation in the PCT program and PG&amp;E did not account for the cost of a PCT in its analysis. Finally, TURN questioned the certainty that Title 24 regulations related to PCTs will ever be implemented. TURN cautioned against double counting benefits in the event that the CEC does mandate PCTs or failing to include costs of PCTs if PG&amp;E elected to assume that Title 24 would not be</p>	<p><i>See</i> TURN Opening Brief, pp. 23-28. D.09-03-026, pp. 150-151.  “...we do agree with TURN that PG&amp;E’s estimate of MW savings may be excessive.”  “For these reasons, we will instead split the difference between TURN’s estimate of Title 24 PCT program benefits and that of PG&amp;E.”</p>	<p><b>Yes</b></p>

<p>implemented.</p> <p>The Commission agreed with TURN that PG&amp;E’s estimates of MW from the PCT program may be excessive. The Commission acknowledged that there is no certainty that the Title 24 regulations will be implemented. The Commission was also swayed by TURN’s concerns regarding kW/hour savings per customer, market penetration and retail costs of PCTs for voluntary participants. Although the Commission did not apply all of TURN’s reductions to PCT benefits due to uncertainty and lack of evidence to support rigorous quantification, the Commission reduced PG&amp;E’s Title 24 PCT benefits by half of TURN’s estimate, from \$129,401,000 to \$83,427,000 (PVRP).</p>		
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**B. Duplication of Effort (§§ 1801.3(f) & 1802.5):** (completed by claimant except where indicated)

	Claimant	CPUC Verified
<b>a. Was DRA a party to the proceeding? (Y/N)</b>	Y	Yes
<b>b. Were there other parties to the proceeding? (Y/N)</b>	Y	Yes
<b>c. If so, provide name of other parties:</b> DRA, City and County of San Francisco		Yes
<p><b>d. Describe how you coordinated with DRA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party:</b></p> <p>In this proceeding, TURN and DRA coordinated as much as possible to avoid duplication of effort by actively discussing the issues together and agreeing to share information. TURN avoided duplication of effort with DRA by largely focusing on different aspects of each issue. Each party presented different arguments and support for their different positions. For example, in analyzing energy conservation benefits, TURN raised the issue of the cost of IHDs. TURN also addressed the increase in efficiency of AC units and non-CAC customer participation in its analysis of PTR benefits. While analyzing PG&amp;E’s PCT benefits, TURN addressed kW/hour savings and ramping strategies, and market penetration, and barriers to voluntary participation. These issues were not addressed by DRA in its analysis of PG&amp;E’s application.</p>		Yes

**C. Additional Comments on Part II (use line reference # or letter as appropriate):**

#	Claimant	CPUC	Comment
II.A.	TURN		<p>TURN’s active participation in this proceeding substantially contributed to the decision-making process and resulted in a more thorough analysis of PG&amp;E’s AMI proposal than would have occurred had TURN not been a party to the proceeding. TURN’s participation in this proceeding assisted the Commission in its analysis of the central issue in this case - whether PG&amp;E’s AMI proposal is cost-effective and reasonable. The issues raised by TURN regarding the expected demand response benefits, operational benefits, and costs were directly related to the determination of whether PG&amp;E’s proposed project was cost-effective. The Commission agreed with several of TURN’s recommendations and, as a result, modified several inputs to the cost-benefit analysis. Given the critical nature of these issues, the development of a comprehensive record on the implications of these conflicts was incredibly important. TURN’s involvement forced PG&amp;E to fully defend its showing. Such deliberations were vital to the final decision as it increased the Commission’s certainty and confidence that its decision was the correct one.</p>
II.A. and Attach. 2	TURN		<p>TURN has grouped our contributions to D.09-03-026 into issue categories and indicated the category to which each contribution described in Table II.A and shown in TURN’s hourly breakdown of activities in Attachment 2. These categories generally follow the breakdown of issues used in the joint briefing outline and include overall cost-benefit analysis (C/B), specific costs (SC), operational benefits (OB), energy conservation and demand response related costs and benefits (DR), and settlement related activities (Sett). Time spent preparing for and participating in hearings that was not allocable to specific issues was categorized as GH. TURN also used the category of GP to denote time spent on tasks that were fundamental to participation in this proceeding that cannot be allocated to specific issues.</p> <p>Tasks considered GP include reading testimony, crafting litigation strategy, drafting data requests, preparing to draft testimony and briefs (i.e., reviewing filings and background material, drafting outlines, etc.), and drafting communication with other parties. Although individuals may list GP for similar sounding tasks, there was no duplication of effort, as each individual must engage in these activities for their own efforts on specific issues.</p>

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

(completed by claimant except where indicated)

**A. General Claim of Reasonableness (§§ 1801 & 1806):**

Concise explanation as to how the cost of claimant’s participation bears a reasonable relationship with benefits realized through participation (include references to record, where appropriate)	CPUC Verified
<p>Although TURN’s participation in this proceeding did not specifically reduce overall costs, TURN’s participation resulted in several significant modifications to</p>	<p><b>After the reductions we have made to this claim, the remaining hours and</b></p>

<p>the cost-benefit analysis (see II.A. 4-8 above). Had the total modifications resulted in a negative cost-effectiveness for PG&amp;E's proposal, the Commission may have rejected the entire \$572.4 million request.</p> <p>The Commission should treat TURN's contributions to D.09-03-026 as it treated TURN's participation in PG&amp;E's AMI deployment proceeding (D.07-01-012, p. 13). In awarding TURN intervenor compensation for its work in A.05-06-028, the Commission noted that the cost of TURN's participation in that proceeding was minor in comparison to the investment contemplated by PG&amp;E. The Commission also acknowledged that until the parties analyzed the issues raised by TURN, it was not certain that PG&amp;E's AMI proposal was reasonable. The Commission concluded that TURN's analysis of the AMI deployment and related business cases resulted in benefits to ratepayers and therefore found TURN's participation to be productive. The Commission recently found that this rationale was reasonable to apply to TURN's contributions to D.008-09-039 (SCE AMI). In this case, the cost of TURN's participation is minor compared to the enormous additional investment in AMI contemplated by PG&amp;E (\$572 million). TURN's involvement in this proceeding led to the above-mentioned modifications to the cost-effectiveness analysis and significantly enriched the record on costs and demand response benefits. Both results are beneficial to ratepayers, and the Commission should therefore find TURN's participation in this proceeding to be productive.</p>	<p><b>costs are reasonable.</b></p>
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### B. Specific Claim:

CLAIMED						CPUC AWARD <sup>2</sup>			
ATTORNEY AND ADVOCATE FEES									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
Nina Suetake	2007	3.50	210	D.07-12-026, p. 24	735.00	2007	3.50	210	735.00
Nina Suetake	2008	137.00	225	D.09-04-027, p. 9	30,825.00	2008	112.50	225	25,312.50
Nina Suetake	2009	12.00	225	See Comment 2 in Part C below	2,700.00	2009	12.00	225	2,700.00
<b>Subtotal:</b>					<b>\$ 34,260.00</b>	<b>Subtotal:</b>		<b>\$28,747.50</b>	
EXPERT FEES									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
Garrick Jones	2008	51.37	120	D.09-04-027, p. 9	6,164.40	2008	51.37	120	6,164.40
Jim Helmich	2008	9.50	175	See Comment 1 in Part C below	1,662.50	2008	9.50	175	1,662.50

<sup>2</sup> TURN fails to separate its travel hours which are compensated at ½ rate from its professional time. We correct TURN's error here, move the hours under the appropriate section on this claim and re-compute the totals for Suetake, Nahigian and Schilberg.

Bill Marcus	2008	4.99	250	D.09-04-027, p. 10	1,247.50	2008	4.99	250	1,247.50	
Jeffrey Nahigian	2007	5.00	175	D.08-08-024, p.10	875.00	2007	3.00	175	525.00	
Jeffrey Nahigian	2008	225.75	190	D.09-04-027, p. 10	42,892.50	2008	187.62	190	35,647.80	
Jeffrey Nahigian	2009	6.75	190	See Comment 2 in Part C below	1,282.50	2009	6.75	190	1,282.50	
Gayatri Schilberg	2008	246.02	200	D.09-04-027, p. 10	49,204.00	2008	221.03	200	44,206.00	
Gayatri Schilberg	2009	5.92	200	See Comment 2 in Part C below	1,184.00	2009	5.92	200	1,184.00	
<b>Subtotal:</b>					<b>\$104,512.40</b>	<b>Subtotal: \$91,919.70</b>				
<b>TRAVEL AND INTERVENOR COMPENSATION CLAIM PREPARATION (1/2 RATE)</b>										
<b>Item</b>	<b>Year</b>	<b>Hours</b>	<b>Rate \$</b>	<b>Basis for Rate*</b>	<b>Total \$</b>	<b>Year</b>	<b>Hours</b>	<b>Rate \$</b>	<b>Total \$</b>	
Nina Suetake	2009 IComp	15.00	112.50	See Comment 2 in Part C below	1,687.50	2009	15.00	112.50	1,687.50	
Jeffrey Nahigian	2007 Travel	4.00	87.50	D.08-08-024, p.10	350.00	2007	4.00	87.50	350.00	
Jeffrey Nahigian	2008 Travel	8.00	95.00	D.09-04-027, p. 10	760.00	2008	8.00	95.00	760.00	
Gayatri Schilberg	2008 Travel	7.26	100.00	D.09-04-027, p. 10	726.00	2008	7.26	100.00	726.00	
Nina Suetake	2008 Travel	4.00	112.50	See Comment 2 in Part C below	450.00	2008	4.00	112.50	450.00	
<b>Subtotal:</b>					<b>\$ 3,973.50</b>	<b>Subtotal: \$ 3,973.50</b>				
<b>COSTS</b>										
<b>#</b>	<b>Item</b>	<b>Detail</b>			<b>Amount \$</b>	<b>Amount \$</b>				
1	Attorney train	Train ticket to work with expert witnesses			56.00	56.00				
2	Travel	Expert witness travel			376.40	376.40				
3	Parking/Tolls/BART	Expert witness parking expenses/To			57.30	57.30				
4	Photocopies	Photocopies of pleadings			38.40	38.40				
5	Phone	Calls related to case development			1.21	1.21				
<b>Subtotal:</b>					<b>\$ 529.31</b>	<b>Subtotal: \$ 529.31</b>				
<b>TOTAL REQUEST \$:</b>					<b>\$140,989.21</b>	<b>TOTAL AWARD \$: \$125,170.01</b>				

**C. Attachments or Comments Documenting Specific Claim (not attached to final Decision):**

<b>Attachment or Comment #</b>	<b>Description/Comment</b>
1	<b>Certificate of Service</b>
Attachment 2	TURN Hours related to D.09-03-026 (including TURN attorney and expert consultant hours)
Attachment 3	TURN Expenses related to D.09-03-026
Comment 1	Although Jim Helmich's hours are recorded in 2008, TURN is requesting that the Commission use Mr. Helmich's authorized 2007 rate (D.09-04-027, p. 9). TURN reserves the right to request a different rate in the future for work completed by Mr. Helmich in 2008.
Comment 2	For work conducted in 2009 by Nina Suetake, Jeffrey Nahigian, and Gayatri Schilberg, TURN is requesting that the Commission apply their authorized 2008 rates (D.09-04-027). TURN reserves the right to request different rates in the future for work completed in 2009 by Suetake, Nahigian, and Schilberg.

**D. CPUC Disallowances & Adjustments:**

<b>Item</b>	<b>Reason</b>
2008-Suetake	50% of hours related to activities categorized as "SC" are reduced for lack of substantial contribution. See Item #2 and #3 at 4-6. (reduced 14.5 hours)
2008-Nahigian	50% of hours related to activities categorized as "SC" are reduced for lack of substantial contribution. See Item #2 and #3 at 4-6. (reduced 26.13 hours)
2008-Nahigian	On 7/1, Nahigian logs 3.5 hours for "intervenor testimony" and on 7/2 logs .5 hours to "get workpapers together." We disallow these hours as being vague and unrelated to efforts which resulted in making a substantial contribution. (reduced 4.0 hours)
2008-Suetake	On 8/7, Suetake logs 5.5 hours to "attend hearing-Jeff on stand". On this same date, Jeff (Nahigian) logs 4.5 hours for the same task. We reduce Suetake's time by 1.0 hour to equal the same time logged by Nahigian.
2008-Suetake	On 7/3 and 7/7, Suetake logs a total of 3 hrs to "organize and clean up workpapers for printing and sending." Although the description of this task is vague, it appears to be a clerical task and as such, is not compensable. (reduced 3 hours)
2008-Schilberg	TURN's opening brief compiled a total of 46 pages, involved two participants, for a total of 40.25 hours; 25.25 for Nahigian and 15.00 hours for Suetake. These hours are reasonable given the product produced and the depth of the analysis contained in the document. TURN however requests 50.21 hours for compilation of a 17 page reply brief which involved two participants: 42.71 hours for Schilberg and 7.50 hours for Suetake. We find these hours to be excessive given the nature of the product produced and the depth of the analysis contained in this document. We reduce Schilberg's 2008 hours by 50% to achieve a more reasonable figure. (reduced 21.36 hours)
2008-Schilberg 2008-Suetake	TURN requests compensation of 5.2 hours (3 hours Suetake and 2.20 hours Schilberg) for preparation of its 4 page reply comments on the proposed decision. For preparation of its opening comments on the proposed decision, TURN requests 19.20 hours for the 7 page document, broken down as follows: 8 hours for Nahigian; 3.20 hours for Schilberg and 8.00 hours for Suetake. We find these hours excessive given the nature of the product produced and reduce Nahigian and Suetake's hours spent on this task by 50%. (reduced 4 hours for Nahigian and 4 hours for Suetake)

**PART IV: OPPOSITIONS AND COMMENTS**

**A. Opposition: Did any party oppose the claim (Y/N)?**

No

**B. Comment Period: Was the 30-day comment period waived (*see* Rule 14.6(c)(6)) (Y/N)?**

Yes

**FINDINGS OF FACT**

1. Claimant has made a substantial contribution to Decision 09-03-026.
2. The claimed fees and costs, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The total of reasonable contribution is \$125,170.01.

**CONCLUSION OF LAW**

1. The claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

**ORDER**

1. Claimant is awarded \$125,170.01.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company shall pay claimant the total award. Payment of the award shall include interest at the rate earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning July 26, 2009, the 75<sup>th</sup> day after the filing of claimant's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.
4. Application 07-12-009 is closed.
5. This order is effective today.

Dated February 4, 2010, at San Francisco, California.

MICHAEL R. PEEVEY  
President  
DIAN M. GRUENEICH  
JOHN A. BOHN  
TIMOTHY ALAN SIMON  
NANCY E. RYAN  
Commissioners.

**APPENDIX****Compensation Decision Summary Information**

<b>Compensation Decision:</b>	D1002010	<b>Modifies Decision?</b> No
<b>Contribution Decision(s):</b>	D0903026	
<b>Proceeding(s):</b>	A0712009	
<b>Author:</b>	ALJ Fukutome	
<b>Payer(s):</b>	Pacific Gas and Electric Company	

**Intervenor Information**

<b>Intervenor</b>	<b>Claim Date</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier?</b>	<b>Reason Change/Disallowance</b>
The Utility Reform Network	05-12-09	\$140,989.21	\$125,170.01	No	lack of substantial contribution, vague tasks, excessive hours, and clerical tasks.

**Advocate Information**

<b>First Name</b>	<b>Last Name</b>	<b>Type</b>	<b>Intervenor</b>	<b>Hourly Fee Requested</b>	<b>Year Hourly Fee Requested</b>	<b>Hourly Fee Adopted</b>
Nina	Suetake	Attorney	The Utility Reform Network	\$210	2007	210
Nina	Suetake	Attorney	The Utility Reform Network	\$225	2008	225
Nina	Suetake	Attorney	The Utility Reform Network	\$225	2009	225
Garrick	Jones	Economist	The Utility Reform Network	\$120	2008	120
Jim	Helmich	Expert	The Utility Reform Network	\$175	2008	175*
Bill	Marcus	Expert	The Utility Reform Network	\$250	2008	\$250
Jeffrey	Nahigian	Expert	The Utility Reform Network	\$175	2007	\$175
Jeffrey	Nahigian	Expert	The Utility Reform Network	\$190	2008	\$190
Jeffrey	Nahigian	Expert	The Utility Reform Network	\$190	2009	\$190
Gayatri	Schilberg	Expert	The Utility Reform Network	\$200	2008	\$200
Gayatri	Schilberg	Expert	The Utility Reform Network	\$200	2009	\$200

\*TURN requested that Helmich receive compensation equal to his 2007 rate

**(END OF APPENDIX)**